IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2627 OF 2005

Yeshwant Krishna Chikane ... Applicant

versus

The State of Maharashtra ... Respondent

...

Mr.Sachin V. Dhakephalkar, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

25th April 2005

P.C.:

. This is second bail application preferred by the present Applicant. His first bail application was rejected by me on 30th September 2004. In the circumstances, Counsel for the Applicant was asked to address as to what are the changed circumstances, so as to permit this Court to entertain second bail application.

. According to the Counsel for the Applicant, this Court has not considered the argument that in cases where three dying declarations are on record, the benefit should be extended to the Applicant. This, in my view, is not a changed circumstance. The fact that three dying declarations are on record was known to the Applicant and could be the basis for considering prayer for bail on the earlier occasion.

. Counsel then relied on the fact that the Applicant has three minor children and there is nobody to take care of those children. Even this cannot be said to be changed circumstance.

. Lastly, learned Counsel submitted that the co-accused have been released on bail. When the Counsel was asked whether the co-accused have been released on bail after rejection of the bail of the present Applicant, he fairly accepted that bail has been granted to the co-accused prior to rejection of the Applicant’s bail application.

. Learned Counsel then relied on the order passed by me on 30th September 2004. However, on

fair reading of this order, it is obvious that on merits, I have affirmed the view taken by the lower Court in rejecting the Applicant's bail application. That reasoning also applies to co-accused who is mother in law of the deceased and mother of the Applicant. She has, however, been released mainly because she is of advanced age (70 years) and female.

. In the circumstances, I see no reason to entertain this second application for bail. Rejected.

. As prayer for bail is rejected, the Sessions Judge, Satara, is directed to ensure compliance of the order dated 30th September 2004 for transferring the case to the Fast Track Court for early disposal of the trial.

(A.M.KHANWILKAR,J.)